



# House of Representatives

General Assembly

**File No. 185**

February Session, 2006

Substitute House Bill No. 5707

*House of Representatives, March 28, 2006*

The Committee on Planning and Development reported through REP. WALLACE of the 109th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING SUBDIVISIONS FOR AFFORDABLE HOUSING DEVELOPMENTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-19 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) Any municipality may create by ordinance a planning  
4 commission, which shall consist of five members, who shall be electors  
5 of such municipality and whose terms of office and method of election  
6 or appointment shall be fixed in the ordinance. The ordinance may  
7 provide that members may be municipal employees if the municipality  
8 has adopted an ordinance authorizing such membership pursuant to  
9 the provisions of subparagraph (C) of subdivision (2) of subsection (e)  
10 of section 7-421. The chief executive officer of the municipality and the  
11 engineer thereof or commissioner of public works, if any, shall also be  
12 members of the commission, without voting privileges. The terms of  
13 office shall be so arranged that the terms of not more than three

14 members shall expire in any one year. Unless otherwise provided by  
15 charter, vacancies shall be filled by the commission for the unexpired  
16 portion of the term. Upon the adoption of this section by ordinance as  
17 herein provided, and the appointment or election of a commission  
18 thereunder, any planning commission in the municipality established  
19 under any previous act of the General Assembly shall cease to exist,  
20 and its books and records shall be turned over to the commission  
21 established under this section, provided all regulations promulgated  
22 by such planning commission prior to that time shall continue in full  
23 force and effect until modified, repealed or superseded in accordance  
24 with the provisions of this chapter. The area of jurisdiction of a  
25 planning commission created by a town includes any city or borough  
26 therein without a legally constituted planning commission for all  
27 planning purposes except those specified in sections 8-24 and 8-29.  
28 Powers granted under said sections may be delegated by the  
29 legislative body of such city or borough to the planning commission of  
30 the town in which such city or borough is situated. Any city or  
31 borough in which a planning commission has been previously  
32 established may, by ordinance, designate the commission established  
33 under this section in the town in which such city or borough is situated  
34 to be the planning commission of such city or borough, and such  
35 commission shall supersede the planning commission previously  
36 established in such city or borough. The commission shall elect a  
37 chairman and a secretary from its members, shall adopt rules for the  
38 transaction of business and shall keep a public record of its activities.  
39 The planning commission of each municipality shall file an annual  
40 report with the legislative body thereof.

41 (b) Notwithstanding the provisions of this chapter, any  
42 municipality, by ordinance adopted by its legislative body, may  
43 exempt from the subdivision regulations in such municipality adopted  
44 pursuant to this chapter the first subdivision of land by a landowner,  
45 provided the lot created is for affordable housing to be developed by  
46 the municipality or a nonprofit organization. The ordinance shall also  
47 provide that any further subdivision of such lot (1) shall not be exempt  
48 from the subdivision regulations, and (2) any exemption under this

49 section shall be in addition to any other exemption authorized under  
50 section 8-26 and shall not be construed as exercising any right under  
51 any other exemption.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	8-19

**PD**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***The Out Years***

None

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**OLR Bill Analysis**  
**sHB 5707****AN ACT CONCERNING SUBDIVISIONS FOR AFFORDABLE HOUSING DEVELOPMENTS.****SUMMARY:**

This bill allows a municipality's legislative body to adopt an ordinance exempting from the municipality's subdivision regulations the first subdivision of land so long as the lot created is for affordable housing developed by the municipality or a nonprofit organization. (Subdivision regulations routinely impose requirements on developers for such things as streets, sewers, and open space.) The ordinance must provide that this exemption is in addition to any other exemption provided under the law governing subdivisions and may not be construed as exercising any right under any other exemption.

By law, a "subdivision" is the division of a parcel into three or more lots. As a result, a property owner can divide one lot from his previously un-subdivided parcel without being subject to the subdivision regulations. The ordinance must also provide that any further subdivision of the lot created for affordable housing is subject to subdivision regulations.

EFFECTIVE DATE: October 1, 2006

**COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Substitute

Yea 16 Nay 0 (03/13/2006)